

**Concise Explanatory Statement**  
**Amending Deer Lake fishing rules to address petition request**

**Rules amended as part of this rulemaking:**

WAC 220-316-010 Freshwater exceptions to statewide rules – East-side

**1. Background/Summary of Project:**

On December 14, 2023, WDFW staff presented the Deer Lake rule petition from the public to the Washington Fish and Wildlife Commission to adjust the fishing season on Deer Lake located in Stevens County. The Commission chose to accept the rule petition and directed staff to begin rulemaking to amend the fishing rules. Department staff submitted the CR-102, initiating rulemaking on December 19, 2023. On January 3, 2024, a web-based commenting portal was opened to take public comment on the CR-102. On January 16, 2024, WDFW Region 1 staff held a virtual public meeting to take comment on the proposed rulemaking. On January 26, 2024, WDFW staff reviewed the proposed rule amendments and public comment taken to the proposed changes with the Commission. On February 16, 2024, WDFW staff reviewed the remainder of public comment and asked the Commission to take action on the proposed rule changes. The Commission adopted the proposed rule changes.

The petition requested to change the fishing season for Deer Lake from March 1-October 31 to a year-round open season. Numerous public comments expressed concern about the effect of a year-round fishing season and potential increase in angler exploitation of Lake Trout, possibly negatively impacting the size structure of the population, thus decreasing the quality of the fishery. To address concerns about maintaining the quality of the fishery, rules for Lake Trout were adjusted from no daily limit to 5 fish daily, no more than one greater than 26 inches.

**2. Reasons for adopting the rule:**

In November 2023, the Washington Fish and Wildlife Commission received a petition to change the fishing season for Deer Lake (Stevens County) from March 1-October 31 to year-round. The petition provided well-reasoned justification for the season change, including growing popularity of ice-fishing in Washington State (including for Lake Trout) and increased opportunity for anglers, a robust Lake Trout population in Deer Lake, increased fishing-related revenue for the local area, and increased harvest of Lake Trout, which are a primary predator of stocked Rainbow Trout in Deer Lake. The justifications provided in the petition are generally in alignment with WDFW objectives for the Deer Lake fishery (e.g., increased angling opportunity and reduced predation on stocked Rainbow Trout).

WDFW data collected from fisheries surveys of Deer Lake in 2005 and 2022 support that the Lake Trout population is robust and that predation is a primary limiter of stocked Rainbow Trout. Increased harvest of Lake Trout would likely result in an increased rate of return of stocked Rainbow Trout to the creel. Additionally, ice-fishing in Washington State is growing in popularity, and Deer Lake is located roughly an hour away from the Spokane, the largest population center in eastern Washington, making an expanded fishing opportunity accessible to a large number of anglers.

### **3. Differences between the text of the proposed rule and the rule as adopted:**

Proposed rule for Deer Lake was: All Game Fish, statewide min. size and daily limit. Except: Eastern Brook Trout count as part of trout daily limit. Lake Trout daily limit 5, no more than 1 over 30 inches. After receiving public comment, staff chose to amend the proposed rule to: All Game Fish, statewide min. size and daily limit. Except: Eastern Brook Trout count as part of trout daily limit. Lake Trout daily limit 5, no more than 1 over 26 inches.

### **4. Public comments, response to comments, and consideration of comments**

Two letters were received by the Commission prior to accepting the petition. The Deer Lake Property Owners Association (DLPOA) sent a letter in support of the petition. The reasons for their support center around the belief that increased exploitation of Lake Trout would lead to greater survival of hatchery stocked trout (and potentially Kokanee in the future) to the fishery. Additionally, the proportion of full-time residents versus summer residents has increased, leading to fewer unoccupied homes and cabins during the winter months. Thus, increased full time residents are present to observe activity around the lake and deter theft and vandalism. The second letter was from the Northeast Washington Wildlife Working Group (NWWG, John Magart). The NWWG is supportive of the rule change to year-round but is concerned with increased exploitation of Lake Trout that could lead to over-fishing or negatively impact the quality of the fishery (e.g., elimination of larger, older Lake Trout from the population). Regional staff received additional email correspondence from the NWWG (John Magart). This e-mail expressed the groups concern with possible over-exploitation of Lake Trout with the proposed rule changes and provided a recommendation for a Lake Trout harvest rule that they believed to be conservative enough to ensure the long term sustainability of a quality Lake Trout fishery in Deer Lake., The NWWG proposed the rule for Lake Trout should be 3 fish daily, no more than 1 over 30 inches.

Additional public comments were taken in three ways. First, a CR 102 was submitted on January 3, 2024. As part of the submittal process there was a web-based commenting portal established. This was advertised to the public through a statewide news release. The web portal closed on January 28, 2024 to taking comment. There are fifteen comments submitted through the portal. Six comments are supportive of the rule change to a year-round fishery. Most in support also requested that conservation of Lake Trout be considered in the rule change. Four comments are opposed. Reasons for opposition varied from the perspective that additional fishing time was not warranted, concerns with over-exploitation of Lake Trout and that this change in management would not achieve a positive outcome for the fishery. The remaining five comments were relevant to the fishery at Deer Lake but did not specifically express support or opposition to the proposed rule changes. Most gave their perspective on how the fishery should be managed and directed the department to investigate and manage other facets of the fishery that were not relevant to the current proposal. Second, Region 1 Fish Program staff conducted a virtual public meeting on January 16, 2024. This meeting was advertised to the public through outreach to Deer Lake community retailers and homeowners associations as well as through a public news release that went out statewide. Twelve members of the public attended the meeting. Four individuals provided comments during the meeting. All four were supportive of the rule

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change to year-round and two of the four individuals asked that the Department place a conservative rule on Lake Trout to ensure that the quality of the fishery is sustained over time. Third, on January 26, 2024, staff presented the proposed rule change to the Fish and Wildlife Commission and public were afforded the opportunity to testify on the proposed rule change. No members of the public chose to testify at this public hearing.

Comments received on the proposed rules reflect a diversity of opinions about the Deer Lake fishery, but collectively, most were not opposed to a year-round fishing season as long as rules were included to prevent overfishing of Lake Trout (daily limit) and protections for the quality (i.e., continued persistence of large fish) of the Lake Trout fishery. The proposed rule, which includes a year-round fishing season and a 5 fish daily Lake Trout limit, would be consistent with the petition request and address most concerns expressed in the public comments. The proposed rule also included a provision of “1 over 30 inches” for Lake Trout. Two comments received indicated that a more appropriate “1 over” length would be 26 inches. Due to slow growth of Lake Trout in Deer Lake (e.g., Lake Trout require approximately 17 years to reach 26 inches and 20 years to reach 30 inches), staff agree that “1 over 26 inches” is appropriate to allow for maintaining quality Lake Trout angling opportunity.